

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCUSERVE, INC.

Plaintiff

v.

XEROX CORPORATION,

Defendant

CIVIL ACTION NO. 05-CV-10514-GAO

DEFENDANT'S LOCAL RULE 16.1(D)(3) CERTIFICATION

Pursuant to Local Rule 16.1(D)(3), Defendant and its counsel hereby certify that they have conferred:

(a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

XEROX CORPORATION	By Defendant's Attorneys
/S/ Michael D. Ryan	/S/ Jonathan Sablone (BBO No. 632998) Juan A. Concepcion (BBO No. 658908) NIXON PEABODY LLP 100 Summer Street Boston, MA 02110 (617) 345-1000

Dated: September 7, 2005

CERTIFICATE OF SERVICE

I, Jonathan Sablone, do hereby certify that a true copy of the above document was served via first class mail upon plaintiff's counsel of record, this 7th day of September, 2005.

/S/ Jonathan Sablone